

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 04 CV 10746 JLT**

IVAN SANTIAGO,
Plaintiff

v.

WILLIAM J. FEENEY, MARCUS
EDDINGS
Defendants

**DEFENDANTS' PROPOSED PRETRIAL JURY INSTRUCTION REGARDING
THE LAWFULNESS OF PLAINTIFF'S STRIP SEARCH PRIOR TO OPENING
STATEMENTS**

Defendants Sergeant William Feeney and Officer Marcus Eddings ("Defendants") respectfully submit to this Court for a proposed jury instruction prior to the Opening Statements regarding the lawfulness of the Plaintiff's March 20, 2003 strip search.¹ The Defendants conferred with Plaintiff regarding this submission, but were unable to reach an agreement as to the jury instruction.

For the reasons state in its prior Motion in Limine regarding said instruction, the Defendants request that this Honorable Court issue this instruction prior to Opening Statements.

¹ For the Court's review, the Defendants attach as Exhibit A, Defendants' Proposed Jury Instruction Regarding the Lawfulness of the Plaintiff's Strip Search.

Respectfully submitted,
DEFENDANTS WILLIAM J. FEENEY, and
MARCUS EDDINGS
By their attorneys:

/s/ Helen G. Litsas
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Dated: November 3, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 3, 2006.

/s/ Helen G. Litsas
Helen G. Litsas